

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO.: 2:11-CR-248
JUDGE SMITH
MAGISTRATE JUDGE DEAVERS**

DAVID W. NICHOLS,

Defendant.

ORDER

On November 10, 2011, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept Defendant's guilty plea to Count One of the Information charging him with knowingly possessing visual depictions of child pornography in interstate commerce in violation of 18 U.S.C. § 2252(a)(4)(B) (Doc. 13). Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11 of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact. Further, the Magistrate Judge observed that at the time Defendant entered his guilty plea, he was in full possession of his faculties, was not suffering from any apparent physical or mental illness, and was not under the influence of narcotics or alcohol.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 14 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did

not file any objections.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty to Count One of the Information. Defendant is hereby adjudged guilty of knowingly possessing visual depictions of child pornography in interstate commerce.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT
